

PENELOPE A. PREVOLOS (CA SBN 87607)  
PPreovolos@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

SEAN P. GATES (CA SBN 186247)  
SGates@charislex.com  
DOUGLAS J. BETETA (CA SBN 260377)  
dbeteta@charislex.com  
CHARIS LEX P.C.  
301 N. Lake Ave., Suite 1100  
Pasadena, California 91101  
Telephone: 626.508.1717  
Facsimile: 626.508.1730

Attorneys for Defendant TESLA, INC.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DAVID RASMUSSEN, an individual, on  
behalf of himself and all others similarly  
situated

Plaintiffs,

v.

TESLA, INC., a Delaware corporation.

Defendant.

Case No.: 5:19-cv-04596-BLF

**STIPULATION AND ~~PROPOSED~~ ORDER TO  
CONTINUE STAY PENDING MEDIATION**

STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE STAY PENDING MEDIATION

CASE No.: 5:19-cv-04596-BLF

1 Plaintiff David Rasmussen (“Plaintiff”) and Defendant Tesla, Inc. (“Defendant”), through their  
2 undersigned counsel, hereby stipulate as follows:

3 WHEREAS, on August 7, 2019, Plaintiff filed Class Action Complaint;

4 WHEREAS, on April 1, 2020, pursuant to the parties’ stipulation, the Court continued the stay of  
5 the case pending mediation until May 29, 2020, set Defendant’s deadline to respond to Plaintiff’s Class  
6 Action Complaint to June 23, 2020, and continued the Case Management Conference to July 9, 2020  
7 (ECF No. 27);

8 WHEREAS, the parties previously scheduled a mediation for May 27, 2020, but given the  
9 current COVID-19 pandemic, they have instead agreed to a mediation on June 25, 2020 with the Hon.  
10 Daniel Weinstein and Cathy Yanni of JAMS, Inc.;

11 WHEREAS, the parties desire to preserve the status quo and prevent the parties and the Court  
12 from unnecessarily expending resources pending mediation;

13 WHEREAS, the parties further agree that either party may terminate the stay upon written notice  
14 to the opposing party. In that event, Defendant’s response to Plaintiff’s Class Action Complaint shall be  
15 due 21 days thereafter, and the parties shall promptly propose a new date for the Case Management  
16 Conference;

17 THEREFORE, subject to the approval of the Court, the parties agree and stipulate as  
18 follows: This matter shall be stayed until June 29, 2020 to facilitate the parties’ mediation. The  
19 parties shall submit a report to the Court on or before that date regarding the outcome of the  
20 mediation. Defendant’s deadline to respond to Plaintiff’s Class Action Complaint shall be  
21 July 23, 2020 and the Case Management Conference currently scheduled for July 9, 2020, shall  
22 be continued to July 30, 2020 at 11:00 a.m., or as soon thereafter as shall be convenient for the  
23 Court. If, however, either party terminates the stay, Defendant’s response to the Class Action  
24 Complaint shall be due 21 days thereafter and the parties shall promptly submit a proposed date  
25 for the Case Management Conference.

26  
27 IT IS SO STIPULATED.  
28

1 Dated: May 29, 2020

Respectfully submitted,

2  
3 By: /s/ Sean P. Gates  
4 Sean P. Gates  
5 CHARIS LEX P.C.  
Attorneys for Defendant  
TESLA, INC.

6 Dated: May 29, 2020

Respectfully submitted,

7  
8 By: /s/ Edward C. Chen  
9 Edward C. Chen  
10 LAW OFFICE OF EDWARD C. CHEN  
Attorneys for Plaintiff  
11 DAVID RASMUSSEN

12 Dated: May 29, 2020

Respectfully submitted,

13  
14 By: /s/ Nimish R. Desai  
15 Nimish R. Desai  
16 LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
17 Attorneys for Plaintiff  
18 DAVID RASMUSSEN  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ECF ATTESTATION**

I, Sean Gates, am the ECF User whose ID and password are being used to file the foregoing STIPULATION AND [PROPOSED] ORDER TO STAY CASE PENDING MEDIATION. In compliance with Local Rule 5-1, I hereby attest that Nimish Desai and Edward C. Chen have concurred in this filing.

Dated: May 29, 2020

By: /s/ Sean P. Gates  
Sean P. Gates  
CHARIS LEX P.C.  
Attorneys for Defendant  
TESLA, INC.

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that this matter shall be stayed until June 29, 2020 to facilitate the parties' mediation. The parties shall submit a report to the Court on or before that date regarding the outcome of the mediation. Defendant's deadline to respond to Plaintiff's Class Action Complaint shall be July 23, 2020 and the Case Management Conference currently scheduled for July 9, 2020, shall be continued to July 30, 2020 at 11:00 a.m. If, however, either party terminates the stay, Defendant's response to the Class Action Complaint shall be due 21 days thereafter and the parties shall promptly submit a proposed date for the Case Management Conference.

Dated: June 1, 2020



Honorable Beth L. Freeman  
Judge of the United States District Court